

REMARKS

This Amendment is submitted with a Request for Continuing Examination (RCE) and is in response to the final Office Action mailed on September 13, 2007, in which claims 1, 2, 4, 5, 12, 13, 21, and 32-34 were rejected under 35 U.S.C. § 102(b) as being anticipated by Spears et al. (U.S. Pat. No. 5,693,017); claims 6, 14, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Spears et al. in view of Lyon et al. (U.S. Pat. No. 4,313,419); claims 11, 15, 20, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Spears et al. in view of Shalev (U.S. Pat. No. 5,764,522); claims 7-10 and 16-19 were objected to as being allowable but dependent upon a rejected base claim; and claims 24-31 were allowed. With this Amendment, claims 1, 2, 4-23, and 33 are canceled without prejudice, and claims 35-52 are added. Claims 24-32 and 34-52 are pending in the present application.

Claim Rejections

Claims 1, 2, 4, 5, 12, 13, 21, and 32-34 were rejected under 35 U.S.C. § 102(b) as being anticipated by Spears et al., claims 6, 14, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Spears et al. in view of Lyon et al., and claims 11, 15, 20, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Spears et al. in view of Shalev. With this Amendment, claims 1, 2, 4-23, and 33 are canceled, thereby rendering moot the rejection of these claims.

Also with this amendment, claim 32 is amended to incorporate the limitations of canceled claim 33. Amended claim 32 recites a connector for use in a system including a fluid container having an outer container and an inner container, a portion of the inner container occupied by a liquid, a remainder of the inner container occupied by a headspace gas. The connector includes an empty detect gas sensor adapted to sense an empty detect gas introduced into the interior of the inner container immediately prior to dispensing of the liquid to the manufacturing process.

In order to reject a claim under § 102(b), the reference must teach each and every limitation of the claims. MPEP 2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987). Spears et al. disclose an apparatus 10 for delivering an oxygen-

enriched or oxygen-supersaturated physiologic solution 12 including a gas-tight vessel 20 within which is disposed a collapsible container 22 and a space 24 between container 22 and vessel 20 into which collapsible container may expand. Trocar 26 drives oxygen into the solution, and inlet port delivers oxygen to space 24 to create a differential in gas pressure across the walls of container 22. A container exit valve 36 controls the rate of escape of oxygen venting from container 22. However, Spears et al. do not teach an empty detect sensor adapted to sense an empty detect gas introduced into container 22 immediately prior to dispensing physiologic solution 12, as required by amended claim 32. Therefore, the recited elements of amended claim 32 are not disclosed by Spears et al. or the prior art of record, and the rejection of claim 32 under 35 U.S.C. § 102(b) should be withdrawn.

Claim 34 was also rejected under 35 U.S.C. § 102(b) as being anticipated by Spears et al. Claim 34 depends from claim 32. As discussed above, claim 32 is not anticipated or otherwise taught by Spears et al. Therefore, claim 34 is not anticipated or otherwise taught by Spears et al.

The allowance of claims 24-31 is acknowledged.

New Claims

With this Amendment, new claims 35-52 are added. New independent claim 35 recites a method for dispensing a liquid from a container including an outer container and an inner container. The method recited in claim 35 includes the step of "introducing an amount of empty detect gas into the inner container." None of the prior art of record teaches or fairly suggests introducing an empty detect gas into a container, and thus new claim 35 is allowable. In addition, new claims 36-44, which depend from claim 35, are allowable therewith.

New independent claim 45 recites a system for dispensing liquid to a manufacturing process and new independent claim 50 recites a liquid dispensing system. Each of independent claims 45 and 50 recite an empty detect gas sensor adapted to sense an empty detect gas introduced into an interior of the inner container immediately prior to dispensing of the liquid to the manufacturing process. None of the prior art of record teaches or fairly suggests an empty detect sensor having these characteristics, and thus new independent claims 45 and 50 are allowable. In

addition, new claims 46-49, which depend from allowable claim 45, and new claims 51 and 52, which depend from allowable claim 50, are allowable with their respective independent claims.

CONCLUSION

In view of the foregoing, it is believed that all claims in the present application are in condition for allowance. Reconsideration and allowance of claims 32 and 34 are respectfully requested. In addition, consideration and allowance of new claims 35-52 are respectfully requested.

Respectfully submitted,

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